

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Denise Carlon, Esquire
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Attorneys for Secured Creditor
BAYVIEW LOAN SERVICING, LLC as servicer for
THE BANK OF NEW YORK MELLON fka THE
BANK OF NEW YORK, AS TRUSTEE FOR THE
CERTIFICATEHOLDERS FOR CWMBS, INC., CHL
MORTGAGE PASS-THROUGH TRUST 2007-16,
MORTGAGE PASS-THROUGH CERTIFICATES,
SERIES 2007-16 Loan Servicing, LLC

In Re:

Anthony R. Avallone,

Debtor.



Order Filed on January 27, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 18-30071 MBK

Adv. No.:

Hearing Date: 12/3/192/14/2017 @ 9:00 a.m..

Judge: Michael B. Kaplan

**ORDER CURING POST-PETITION ARREARS & RESOLVING MOTION FOR
RELIEF FROM STAY**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED.

DATED: January 27, 2020

A handwritten signature in black ink, reading "Michael B. Kaplan".

Honorable Michael B. Kaplan
United States Bankruptcy Judge

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Debtor: Anthony R. Avallone

Case No: 18-30071 MBK

Caption of Order: ORDER CURING POST-PETITION ARREARS AND RESOLVING MOTION FOR RELIEF FROM STAY

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, BAYVIEW LOAN SERVICING, LLC as servicer for THE BANK OF NEW YORK MELLON fka THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS FOR CWMBS, INC., CHL MORTGAGE PASS-THROUGH TRUST 2007-16, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-16, Denise Carlon appearing, upon a motion to vacate the automatic stay as to real property located at 17 Denise Court, Lincroft, NJ, 07738, and it appearing that notice of said motion was properly served upon all parties concerned, and this Court having considered the representations of attorneys for Secured Creditor and Jonathan Goldsmith Cohen, Esquire, attorney for Debtors, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that as of January 14, 2020, Debtors are in arrears outside of the Chapter 13 Plan to Secured Creditor for payments due September 2019 through January 2020 for a total post-petition default of \$29,481.68 (5 @ \$6,457.82, \$2,807.42 less suspense); and

It is further **ORDERED, ADJUDGED and DECREED** that the balance of the arrears in the amount of \$29,481.68 shall be added to the affidavit of amount due and paid through Debtors' Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that the Debtor shall file a modified plan within twenty days of this order; and

It is further **ORDERED, ADJUDGED and DECREED** that loss mitigation payments are to resume February 1, 2020, directly to Secured Creditor's servicer, Bayview Loan Servicing, LLC, 4425 Ponce De Leon Blvd. Coral Gables, FL 33146 (Note: the amount of the monthly mortgage payment is subject to change according to the terms of the note and mortgage); and

It is further **ORDERED, ADJUDGED and DECREED** that for the Duration of Debtors' Chapter 13 bankruptcy proceeding, if any of the loss mitigation payments are not made within thirty (30) days of the date said payment is due, Secured Creditor may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtors shall have fourteen days to respond; and

It is further **ORDERED, ADJUDGED and DECREED** that a copy of any such application, supporting certification, and proposed Order must be served on the Trustee, Debtors, and Debtors' counsel at the time of submission to the Court; and

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Debtor: Anthony R. Avallone

Case No: 18-30071 MBK

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It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor is hereby awarded reimbursement of fees and costs in the sum of \$350.00 for attorneys' fees and \$181.00 for filing fees, totaling \$531.00, which is to be paid through Debtors' Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor's Motion for Relief is hereby resolved.

Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New JerseyIn re:
Anthony R. Avallone
DebtorCase No. 18-30071-MBK
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Jan 27, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 29, 2020.

db +Anthony R. Avallone, 17 Denise Court, Lincroft, NJ 07738-1503

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 29, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 27, 2020 at the address(es) listed below:

Albert Russo docs@russotrustee.com

Denise E. Carlon on behalf of Creditor Bayview Loan Servicing, LLC as servicer for The Bank of New York Mellon FKA The Bank of New York, as Trustee Et Al... dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Jill Manzo on behalf of Creditor BAYVIEW LOAN SERVICING, LLC, as servicer for THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE (CWMB 2007-16) bankruptcy@feinsuch.com

Jonathan Goldsmith Cohen on behalf of Debtor Anthony R. Avallone imclawgroupecf@gmail.com; g.jr77824@notify.bestcase.com

Kevin Gordon McDonald on behalf of Creditor Bayview Loan Servicing, LLC as servicer for The Bank of New York Mellon FKA The Bank of New York, as Trustee Et Al... kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com

Richard James Tracy, III on behalf of Creditor TD Bank, N.A. rtracy@hillwallack.com, tshariff@schillerknapp.com; kcollins@schillerknapp.com; aheight@schillerknapp.com

U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7